

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION

DANIEL ADAME-MORENO,

Plaintiff,

vs.

REEVES BROTHERS TRUCKING, INC.,

et al.,

Defendants.

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Case No. 1:16 CV 40 ACL

MEMORANDUM AND ORDER

Plaintiff filed the instant personal injury action against Defendants Reeves Brothers Trucking, Inc. (“Reeves Trucking”) and Jeffrey Alan Maddox for injuries he allegedly sustained after a motor-vehicle accident that occurred on December 20, 2013. Presently pending before the Court is Defendant Reeves Trucking’s Motion to Compel. (Doc. 25.)

In its Motion to Compel, Defendant requests that the Court issue an order compelling Plaintiff to respond to Defendant’s First Set of Interrogatories and First Request for Production of Documents. Defendant states that it propounded the First Set of Interrogatories and First Request for Production of Documents to Plaintiff on May 11, 2016 (Def’s Ex. A), and that Plaintiff was therefore required to respond by June 10, 2016. *See* Fed. R. Civ. P. 33(b)(2); Fed. R. Civ. P. 34(b)(2)(A). Defendant states that, on June 14, 2016, after no responses or objections were received from Plaintiff, Defendant’s counsel sent an email to Plaintiff’s counsel advising counsel that the responses were past due and requesting a date as to when the responses would be provided. (Def’s Ex. B.) Defendant states that, between June 14, 20016 and June 28, 2016, Defendant’s counsel attempted to contact Plaintiff’s counsel by telephone on numerous occasions to discuss the overdue discovery, but Plaintiff’s counsel never returned the calls. On

June 28, 2016, Defendant's counsel sent another email to Plaintiff's counsel, advising that Defendant would file the instant Motion to Compel if Plaintiff's discovery responses were not received by June 30, 2016. (Def's Ex. C.) To date, Defendant has received no responses, answers, or objections to Defendant's discovery requests.

Plaintiff has not responded to Defendant's Motion to Compel and the deadline for responding has passed.

Pursuant to Federal Rule of Civil Procedure 37, "[a] party seeking discovery may move for an order compelling an answer, designation, production, or inspection." Fed. R. Civ. P. 37(a)(3)(B). This Court will compel Plaintiff to serve complete responses and produce all documents responsive to the production requests on Defendants within ten days of this Order. Plaintiff is cautioned that failure to comply with this Order may result in sanctions under Rule 37(b), including the dismissal of Plaintiff's Complaint.

Accordingly,

IT IS HEREBY ORDERED that Defendant's Motion to Compel (Doc. 25) is **granted**.

IT IS FURTHER ORDERED that Plaintiff shall respond to Defendant's First Set of Interrogatories and First Request for Production of Documents within **no later than August 8, 2016**.



ABBIE CRITES-LEONI
UNITED STATES MAGISTRATE JUDGE

Dated this 29th day of July, 2016.